

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-04559-GDB-DCF**

American Society for the Prevention of Cruelty to Animals v.
The Animal and Plant Health Inspection Service et al
Assigned to: Judge George B. Daniels
Referred to: Magistrate Judge Debra C. Freeman
Cause: 05:552 Freedom of Information Act

Date Filed: 05/23/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Society for the Prevention of
Cruelty to Animals**

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V.

Defendant

**The Animal and Plant Health
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Defendant

**The United States Department of
Agriculture**

represented by **Samuel Hilliard Dolinger**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 05/23/2018 | <u>1</u> | COMPLAINT against The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Filing Fee \$ 400.00, Receipt Number 0208-15105439) Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/23/2018) |
| 05/23/2018 | <u>2</u> | CIVIL COVER SHEET filed. (Kennelly, Kaitland) (Entered: 05/23/2018) |
| 05/23/2018 | <u>3</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The Animal and Plant Health Inspection Service, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/23/2018) |
| 05/23/2018 | <u>4</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The United States Department of Agriculture, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/23/2018) |
| 05/23/2018 | <u>5</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/23/2018) |
| 05/24/2018 | | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge George B. Daniels. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 05/24/2018) |
| 05/24/2018 | | Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 05/24/2018) |
| 05/24/2018 | | Case Designated ECF. (pne) (Entered: 05/24/2018) |
| 05/24/2018 | <u>6</u> | LETTER MOTION for Leave to File Correct Complaint by filing Omitted Exhibits addressed to Judge George B. Daniels from Kaitland M. Kennelly dated May 24, 2018. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/24/2018) |

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| 05/24/2018 | <u>7</u> | ELECTRONIC SUMMONS ISSUED as to The Animal and Plant Health Inspection Service. (pne) (Entered: 05/24/2018) |
| 05/24/2018 | <u>8</u> | ELECTRONIC SUMMONS ISSUED as to The United States Department of Agriculture. (pne) (Entered: 05/24/2018) |
| 05/25/2018 | | ***DELETED DOCUMENT. Deleted document number 9 ORDER. The document was incorrectly filed in this case. (anc) (Entered: 05/30/2018) |
| 05/29/2018 | <u>10</u> | COMPLAINT against The Animal and Plant Health Inspection Service, The United States Department of Agriculture. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Exhibit (A) FOIA Request, # <u>2</u> Exhibit (B) FOIA Request, # <u>3</u> Exhibit (C) FOIA Request, # <u>4</u> Exhibit (D) FOIA Request, # <u>5</u> Exhibit (E) FOIA Request, # <u>6</u> Exhibit (F) Defendants' Final Response, # <u>7</u> Exhibit (G) Defendants' Final Response, # <u>8</u> Exhibit (H) Defendants' Final Response, # <u>9</u> Exhibit (I) Defendants' Final Response, # <u>10</u> Exhibit (J) Defendants' Final Response, # <u>11</u> Exhibit (K) ASPCA's Appeal, # <u>12</u> Exhibit (L) ASPCA's Appeal, # <u>13</u> Exhibit (M) ASPCA's Appeal, # <u>14</u> Exhibit (N) ASPCA's Appeal)(Kennelly, Kaitland) (Entered: 05/29/2018) |
| 05/29/2018 | <u>11</u> | INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/9/2018 at 09:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. (Signed by Judge George B. Daniels on 5/25/2018) (ne) (Entered: 05/29/2018) |
| 05/29/2018 | | ***DELETED DOCUMENT. Deleted document number 12 MEMO ENDORSEMENT. The document was incorrectly filed in this case. (anc) (Entered: 05/30/2018) |
| 05/29/2018 | <u>12</u> | ORDER granting <u>6</u> Letter Motion for Leave to File Document. SO ORDERED. (Signed by Judge George B. Daniels on 5/29/2018) (anc) (Entered: 05/30/2018) |
| 05/30/2018 | <u>13</u> | NOTICE OF APPEARANCE by Kaitland Mccann Kennelly on behalf of American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/30/2018) |
| 05/30/2018 | <u>14</u> | NOTICE OF APPEARANCE by Jennifer Helen Chin on behalf of American Society for the Prevention of Cruelty to Animals. (Chin, Jennifer) (Entered: 05/30/2018) |
| 06/01/2018 | <u>15</u> | MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145647. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Bonnie Weiss McLeod, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Weiss McLeod, Bonnie) (Entered: 06/01/2018) |
| 06/01/2018 | <u>16</u> | MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145800. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Erin M. Estevez, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Estevez, Erin) (Entered: 06/01/2018) |
| 06/01/2018 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>15</u> MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145647. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 06/01/2018) |
| 06/01/2018 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145800. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 06/01/2018) |
| 06/04/2018 | <u>17</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>15</u> Motion for Bonnie Weiss McLeod to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/04/2018) (ama) (Entered: 06/04/2018) |

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| 06/04/2018 | <u>18</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>16</u> Motion for Erin M. Estevez to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/4/2018) (jwh) (Entered: 06/04/2018) |
| 06/08/2018 | <u>19</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The Animal and Plant Health Inspection Service served on 5/31/2018, answer due 7/2/2018. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 06/08/2018) |
| 06/08/2018 | <u>20</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The United States Department of Agriculture served on 5/31/2018, answer due 7/2/2018. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 06/08/2018) |
| 06/25/2018 | <u>21</u> | MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243400. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Declaration of Tamara Y. Feliciano, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Feliciano, Tamara) (Entered: 06/25/2018) |
| 06/25/2018 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>21</u> MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243400. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 06/25/2018) |
| 06/25/2018 | <u>22</u> | MOTION for Robert G. Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243501. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Declaration of Robert G. Hensley, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Hensley, Robert) (Entered: 06/25/2018) |
| 06/25/2018 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>22</u> MOTION for Robert G. Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243501. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 06/25/2018) |
| 06/26/2018 | <u>23</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>22</u> Motion for Robert G. Hensley to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/26/2018) (mro) (Entered: 06/26/2018) |
| 06/26/2018 | <u>24</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>21</u> Motion for Tamara Y. Feliciano to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/26/2018) (mro) (Entered: 06/26/2018) |
| 07/02/2018 | <u>25</u> | NOTICE OF APPEARANCE by Samuel Hilliard Dolinger on behalf of The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Dolinger, Samuel) (Entered: 07/02/2018) |
| 07/02/2018 | <u>26</u> | ANSWER to <u>10</u> Complaint,,, Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 07/02/2018) |
| 08/02/2018 | <u>27</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 8/2/2018 re: the Government's letter in advance of initial pre-trial conference on 8/9/2018. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 08/02/2018) |
| 08/02/2018 | <u>28</u> | LETTER MOTION for Discovery – <i>In Advance of August 9, 2018 Initial Pre-Trial Conference Seeking Discovery</i> addressed to Judge George B. Daniels from Erin M. Estevez dated August 2, 2018. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 08/02/2018) |
| 08/02/2018 | <u>29</u> | AFFIRMATION of Robert G. Hensley in Support re: <u>28</u> LETTER MOTION for Discovery – <i>In Advance of August 9, 2018 Initial Pre-Trial Conference Seeking Discovery</i> addressed to Judge George B. Daniels from Erin M. Estevez dated August |

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| | | 2, 2018.. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Exhibit (1) Documents Produced, # <u>2</u> Exhibit (2) Document Obtained, # <u>3</u> Exhibit (3) Documents Produced, # <u>4</u> Exhibit (4) Document Obtained, # <u>5</u> Exhibit (5) Document Produced /Obtained)(Estevez, Erin) (Entered: 08/02/2018) |
| 08/09/2018 | | Minute Entry for proceedings held before Judge George B. Daniels: Initial Pretrial Conference held on 8/9/2018. Plaintiff Counsel: Erin Murray Estevez, Robert G. Hensley, Jr.; Defense Counsel: Samuel Hilliard Dolinger and Court Reporter present. Th subsequent conference is scheduled for October 25, 2018 at 9:45 a.m. (Vega, Elizabeth) (Entered: 08/09/2018) |
| 08/20/2018 | <u>30</u> | ORDER denying as moot <u>28</u> Letter Motion for Discovery: The Clerk of Court is directed to close the motion at ECF No. 28 as moot in light of the discussions held on the record of the August 9, 2018 conference. (Signed by Judge George B. Daniels on 8/16/2018) (jwh) (Entered: 08/20/2018) |
| 09/14/2018 | <u>31</u> | TRANSCRIPT of Proceedings re: conference held on 8/9/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/5/2018. Redacted Transcript Deadline set for 10/15/2018. Release of Transcript Restriction set for 12/13/2018.(McGuirk, Kelly) (Entered: 09/14/2018) |
| 09/14/2018 | <u>32</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 8/9/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/14/2018) |
| 10/18/2018 | <u>33</u> | JOINT LETTER MOTION to Adjourn Conference <i>scheduled for October 25, 2018</i> addressed to Judge George B. Daniels from Samuel Dolinger dated 10/18/2018. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 10/18/2018) |
| 10/19/2018 | <u>34</u> | ORDER granting <u>33</u> Letter Motion to Adjourn Conference. The Subsequent Conference is scheduled for November 29, 2018 at 9:45 a.m. SO ORDERED. (Status Conference set for 11/29/2018 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 10/19/2018) (jca) (Entered: 10/19/2018) |
| 11/27/2018 | <u>35</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 11/27/2018 re: Government's request to set a summary judgment schedule. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Attachments: # <u>1</u> Exhibit A – Vaughn Index)(Dolinger, Samuel) (Entered: 11/27/2018) |
| 11/27/2018 | <u>36</u> | LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated 11/27/18 re: Letter in Advance of November 29, 2018 Conference. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 11/27/2018) |
| 11/29/2018 | <u>37</u> | ORDER REFERRING CASE TO MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement and General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) Referred to Magistrate Judge Debra C. Freeman. SO ORDERED. (Signed by Judge George B. Daniels on 11/29/2018) (jca) (Entered: 11/29/2018) |
| 11/29/2018 | | Minute Entry for proceedings held before Judge George B. Daniels: Interim Pretrial Conference held on 11/29/2018. Plaintiff Counsel: Erin Murray Estevez; Robert G. Hensley; Tamara Feliciano Defense Counsel: Samuel Hilliard Dolinger and Court Reporter present. The subsequent conference is scheduled for April 18, 2019 at 9:45 a.m. (Vega, Elizabeth) (Entered: 11/29/2018) |

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| 12/13/2018 | | Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Case Management Conference held via telephone on 12/13/2018, (Status Report due by 2/11/2019). (aba) (Entered: 12/13/2018) |
| 12/27/2018 | <u>38</u> | STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (jca) (Entered: 01/02/2019) |
| 01/04/2019 | <u>39</u> | TRANSCRIPT of Proceedings re: conference held on 11/29/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/25/2019. Redacted Transcript Deadline set for 2/4/2019. Release of Transcript Restriction set for 4/4/2019.(McGuirk, Kelly) (Entered: 01/04/2019) |
| 01/04/2019 | <u>40</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 11/29/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/04/2019) |
| 01/08/2019 | <u>41</u> | TRANSCRIPT of Proceedings re: CONFERENCE held on 11/29/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/29/2019. Redacted Transcript Deadline set for 2/8/2019. Release of Transcript Restriction set for 4/8/2019.(McGuirk, Kelly) (Entered: 01/08/2019) |
| 01/08/2019 | <u>42</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/29/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/08/2019) |
| 02/11/2019 | <u>43</u> | LETTER addressed to Magistrate Judge Debra C. Freeman from Samuel Dolinger dated 2/11/2019 re: confirmation of tolling of deadlines pursuant to standing order. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 02/11/2019) |
| 02/12/2019 | <u>44</u> | MEMO ENDORSEMENT on re: <u>43</u> Letter, filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. ENDORSEMENT: The deadline for the status report is confirmed. SO ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 2/12/2019) (kv) (Entered: 02/13/2019) |
| 03/07/2019 | <u>45</u> | LETTER MOTION for Conference – <i>Request for a Settlement Conference</i> addressed to Magistrate Judge Debra C. Freeman from Erin M. Estevez dated March 7, 2019. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 03/07/2019) |
| 03/11/2019 | <u>46</u> | LETTER addressed to Magistrate Judge Debra C. Freeman from Samuel Dolinger dated 3/11/2019 re: Government's response to ASPCA's request for a settlement conference. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 03/11/2019) |
| 03/15/2019 | | Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Case Management Conference held via telephone on 3/15/2019. (aba) (Entered: 03/18/2019) |
| 03/20/2019 | <u>47</u> | ORDER denying <u>45</u> Letter Motion for Conference. After having held a telephone conference with counsel, it appears that a settlement conference at this juncture would not be likely to be productive. If the parties are unable to resolve the discovery dispute that they referenced, they may submit letter briefs fully addressing that dispute, on a |

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| | | schedule agreed by the parties. (HEREBY ORDERED by Magistrate Judge Debra Freeman)(Text Only Order) (Freeman, Debra) (Entered: 03/20/2019) |
| 03/22/2019 | <u>48</u> | LETTER MOTION for Discovery – <i>Request for Initial Disclosures and Limited Discovery</i> addressed to Magistrate Judge Debra C. Freeman from Erin M. Estevez dated March 22, 2019. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 03/22/2019) |
| 03/25/2019 | <u>49</u> | LETTER addressed to Magistrate Judge Debra C. Freeman from Samuel Dolinger dated 3/25/2019 re: Government's opposition to ASPCA's letter motion for discovery. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 03/25/2019) |
| 03/26/2019 | <u>50</u> | LETTER addressed to Magistrate Judge Debra C. Freeman from Erin M. Estevez dated March 26, 2019 re: Reply in further support of ASPCA's request for initial disclosures and limited discovery. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 03/26/2019) |
| 04/15/2019 | <u>51</u> | LETTER MOTION to Adjourn Conference <i>scheduled for April 18, 2019</i> addressed to Judge George B. Daniels from Samuel Dolinger dated 4/15/2019. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 04/15/2019) |
| 04/15/2019 | <u>52</u> | SCHEDULING ORDER: A status conference is scheduled for April 18, 2019 at 9:45 a.m. So Ordered. (Status Conference set for 4/18/2019 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 4/15/19) (yv) (Entered: 04/15/2019) |
| 04/16/2019 | <u>53</u> | ORDER granting <u>51</u> Letter Motion to Adjourn Conference: The status conference is adjourned from April 18, 2019 to June 20, 2019 at 9:45 a.m. (Status Conference set for 6/20/2019 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 4/16/2019) (jwh) (Entered: 04/16/2019) |
| 04/18/2019 | <u>54</u> | ORDER denying <u>48</u> Letter Motion for Discovery. Plaintiff cites no authority in support of its argument that, in the FOIA context, the type of discovery it seeks (regarding the basis for the Government's reliance on a particular ground for invoking FOIA's privacy exemptions) should be permitted prior to summary judgment. Under applicable case law, this case should proceed to summary judgment, at which stage the Government will need to show, <i>inter alia</i> , that it has provided a sufficiently detailed explanation for withholding the documents at issue. <i>Carney v. U.S. Dep't of Justice</i> , 19 F.3d 807, 812 (2d Cir. 1994). If the Government's explanation is inadequate on its face, or if Plaintiff successfully alleges bad faith, then discovery may be permitted at that time. <i>Id.</i> Accordingly, Plaintiff's requests for initial disclosures, interrogatories, requests for admission, and a revised Vaughn index are denied. (HEREBY ORDERED by Magistrate Judge Debra Freeman)(Text Only Order) (Freeman, Debra) (Entered: 04/18/2019) |
| 04/26/2019 | <u>55</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 4/26/2019 re: Proposed summary judgment briefing schedule and request to adjourn conference scheduled for June 20, 2019. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 04/26/2019) |
| 04/29/2019 | <u>56</u> | MEMO ENDORSEMENT: on re: <u>55</u> Letter filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. ENDORSEMENT: The June 20, 2019 status conference is adjourned to September 19, 2019 at 9:45 a.m. SO ORDERED., (Cross Motions due by 7/12/2019., Motions due by 6/7/2019., Responses due by 8/2/2019, Replies due by 8/23/2019., Status Conference set for 9/19/2019 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 4/29/2019) (ama) (Entered: 04/29/2019) |
| 06/03/2019 | <u>57</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 6/3/2019 re: Request for extension of summary judgment briefing schedule and adjournment of status conference. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 06/03/2019) |

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| 06/04/2019 | <u>58</u> | MEMO ENDORSEMENT on re: <u>57</u> Letter. ENDORSEMENT: The September 19, 2019 status conference is adjourned. An oral argument on the motion for summary judgment is scheduled for October 3, 2019 at 10:30 a.m. (Motions due by 6/28/2019. Cross Motions due by 8/2/2019. Responses due by 8/23/2019. Replies due by 9/20/2019. Oral Argument set for 10/3/2019 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 6/4/2019) (jwh) (Entered: 06/04/2019) |
| 06/24/2019 | <u>59</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 6/24/2019 re: Second request for extension of summary judgment briefing schedule and request for adjournment of argument. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 06/24/2019) |
| 06/25/2019 | <u>60</u> | LETTER MOTION for Extension of Time <i>in Opposition to Letter dated 6/24/2019 re: Second request for extension of summary judgment briefing schedule and request for adjournment of argument</i> addressed to Judge George B. Daniels from Robert G. Hensley dated June 25, 2019. Document filed by American Society for the Prevention of Cruelty to Animals.(Hensley, Robert) (Entered: 06/25/2019) |
| 06/26/2019 | <u>61</u> | ORDER. The parties' summary judgment briefing schedule shall be amended as follows: August 2, 2019: Government's motion for summary judgment. September 6, 2019: ASPCA's opposition to the Government's motion and any cross-motion for summary judgment. September 27, 2019: Government's reply in support of its motion and opposition to the ASPCA's cross-motion, if any. October 18, 2019: ASPCA's reply, if any. The oral argument is adjourned from October 3, 2019 to October 24, 2019 at 10:30 a.m. So ordered. Terminating <u>60</u> LETTER MOTION for Extension of Time in Opposition to Letter dated 6/24/2019 re: Second request for extension of summary judgment briefing schedule and request for adjournment of argument addressed to Judge George B. Daniels from Robert G. Hensley dated June 25, 2019. Document filed by American Society for the Prevention of Cruelty to Animals. (Signed by Judge George B. Daniels on 6/26/2019) (rjm) (Entered: 06/26/2019) |
| 06/26/2019 | | Set/Reset Deadlines: Cross Motions due by 9/6/2019. Motions due by 8/2/2019. Responses due by 9/27/2019. Replies due by 10/18/2019. (rjm) (Entered: 06/26/2019) |
| 06/26/2019 | | Set/Reset Hearings: Oral Argument set for 10/24/2019 at 10:30 AM before Judge George B. Daniels. (rjm) (Entered: 06/26/2019) |
| 07/31/2019 | <u>62</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 7/31/2019 re: Request for adjournment of briefing schedule to permit release of additional information. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 07/31/2019) |
| 08/01/2019 | <u>63</u> | LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated August 1, 2019 re: Letter in Response to the Government's Request for Adjournment of Briefing Schedule. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 08/01/2019) |
| 08/02/2019 | <u>64</u> | ORDER: The parties' summary judgment briefing schedule shall be amended as follows: September 27, 2019: Any motion for summary judgment by either party; October 18, 2019: Responsive briefs; November 1, 2019: The parties' replies; The oral argument is adjourned from October 24, 2019 to November 7, 2019 at 10:30 a.m. (Motions due by 9/27/2019. Responses due by 10/18/2019. Replies due by 11/1/2019. Oral Argument set for 11/7/2019 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 8/2/2019) (jwh) (Entered: 08/02/2019) |
| 09/18/2019 | <u>65</u> | LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated September 18, 2019 re: Request to modify the existing summary judgment briefing schedule and adjourn the oral argument scheduled for November 7, 2019.. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 09/18/2019) |
| 09/19/2019 | <u>66</u> | MEMO ENDORSEMENT on re: <u>65</u> Letter, filed by American Society for the Prevention of Cruelty to Animals. ENDORSEMENT: The oral argument is adjourned from November 7, 2019 to January 16, 2020 at 10:30 a.m. (Oral Argument set for 1/16/2020 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. |

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| | | Daniels on 9/19/2019) (jwh) (Entered: 09/19/2019) |
| 09/27/2019 | <u>67</u> | MOTION for Summary Judgment , <i>to Dismiss, and for Judgment on the Pleadings.</i> Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. Responses due by 10/18/2019(Dolinger, Samuel) (Entered: 09/27/2019) |
| 09/27/2019 | <u>68</u> | MEMORANDUM OF LAW in Support re: <u>67</u> MOTION for Summary Judgment , <i>to Dismiss, and for Judgment on the Pleadings.</i> . Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Dolinger, Samuel) (Entered: 09/27/2019) |
| 09/27/2019 | <u>69</u> | DECLARATION of Tonya G. Woods in Support re: <u>67</u> MOTION for Summary Judgment , <i>to Dismiss, and for Judgment on the Pleadings..</i> Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Dolinger, Samuel) (Entered: 09/27/2019) |
| 10/16/2019 | <u>70</u> | JOINT LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated October 16, 2019 re: Adjournment of Summary Judgment Briefing Schedule and Oral Argument Scheduled for January 16, 2020. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 10/16/2019) |
| 10/16/2019 | <u>71</u> | JOINT LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated October 16, 2019 re: *Corrected* Request for Adjournment of Summary Judgment Briefing Schedule and Oral Argument Scheduled for January 16, 2020. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 10/16/2019) |